

**FULL TEXT OF MEASURE B  
CITY OF YORBA LINDA**

**INITIATIVE MEASURE TO BE SUBMITTED DIRECTLY TO THE VOTERS**

THE PEOPLE OF THE CITY OF YORBA LINDA DO ORDAIN AS FOLLOWS:

Section 1. TITLE.

1.1 This initiative measure shall be known as the **Yorba Linda Right-to-Vote Amendment.**

Section 2. PLANNING POLICY DOCUMENTS COVERED.

2.1. After this measure becomes effective, no repeal, amendment or adoption of all or part of the following land use planning policy documents of the City of Yorba Linda may become effective unless and until there is compliance with provisions of this initiative measure:

- a. The text of the Yorba Linda General Plan's Land Use Element,
- b. The Land Use Policy Map of the Yorba Linda General Plan (Exhibit LU-4, also called "Land Use Diagram"),
- c. The text of the Yorba Linda Zoning Code (Title 18 of the Yorba Linda Municipal Code),
- d. The Zoning Map of the City of Yorba Linda,
- e. Any Specific Plan for a geographic area within the City, or
- f. Any Development Agreement granting rights to develop private or public land.

2.2. In this initiative measure the above six items are referred to as the "Planning Policy Documents."

Section 3. TYPES OF AMENDMENTS COVERED.

3.1. A "Major Amendment" of any of the Planning Policy Documents means any amendment which results in any of the following changes to the development standards for any parcel of land affected by the proposed amendment:

- a. Increases the number of residential units which may be constructed on a parcel designated for residential uses.
- b. Increases the number of separate parcels which may be created from an existing parcel.
- c. Changes any residential land use to allow any other land use.
- d. Changes any non-residential land use to allow any residential land use greater than ten (10) net dwelling units per acre or allow a mix of commercial and residential uses.
- e. Increases the allowed maximum height of development.
- f. Provides for the private development of land owned by a government entity within five years of the date of the approval to develop the land.
- g. Repeals any of the Planning Policy Documents.

3.2. A "Regular Amendment" of any of the Planning Policy Documents includes any amendment which is not a Major Amendment.

Section 4. AMENDMENTS TO YORBA LINDA GENERAL PLAN LAND USE MAP.

4.1. No Major Amendment of any of the Planning Policy Documents shall be effective unless and until it is approved by a majority vote of the electorate of the City of Yorba Linda voting 'YES' on a ballot measure proposing the Major Amendment at a regular or special election. The entire text of a Major Amendment and an easily readable map of the geographic area affected shall be included in the sample ballot materials which is mailed to registered voters prior to the election.

4.2. No Major Amendment and no Regular Amendment of any of the Planning Policy Documents shall be effective unless and until it is approved by an ordinance adopted by the City Council, but no such amendment shall be considered until a public hearing is conducted on the proposed amendment at both the Planning Commission and at the City Council in the manner provided by state law and advance notice is given as required by section 4.3 below.

4.3. No public hearing to consider an amendment of any of the Planning Policy Documents shall be conducted less than 20 days after the date a notice accurately describing the proposed amendment is sent by first class mail to the owners of each parcel of land, and a notice is sent by first class mail addressed to the occupant of each lawful unit on each parcel of land, located within a radius measured outward 300 feet from the boundaries of each parcel of land affected by the proposed amendment.

4.4. The notice described in section 4.3 shall include at least all the following information in not less than 13 point type:

- a. The name of the applicant proposing the amendment.
- b. The total acreage of the area proposed for amendment.
- c. A easily readable map of all parcels affected by the amendment, including all street names.
- d. The land uses and building density currently allowed for each parcel affected.
- e. The land uses and building density proposed to be allowed for each parcel affected.
- f. The date, time, and place of the upcoming public hearing.

Section 5. CITY WIDE HEIGHT LIMITS.

5.1. Maximum Height. On and after the date this initiative measure becomes effective no building or structure shall exceed a maximum height of thirty-five (35) feet, measured from the lowest point on the exterior of the structure at ground level to the highest point on the structure.

5.2. Exemptions to Height Limit. The following structures are exempted from this height limit: church steeples, public schools, and other structures exempted by state or federal law.

Section 6. THIS MEASURE AMENDS EXISTING POLICY DOCUMENTS.

6.1. Once adopted by the voters, this measure shall amend and become a new part of the Yorba Linda "General Plan's Land Use Element, and the Yorba Linda Zoning Code (Title 18 of the Yorba Linda Municipal Code).

6.2. After the date this measure becomes effective the entire text of this measure shall be printed within all copies of the Yorba Linda General Plan Land Use Element and also within all copies of the Yorba Linda Zoning Code, and it shall appear immediately following the table of contents of each such document.

Section 7. EFFECTIVE DATE.

7.1. The provisions of this initiative measure shall become effective at twelve o'clock noon the day after it is approved at an election of the voters of the City of Yorba Linda.

Section 8. PRIORITY.

8.1. Once this initiative measure becomes effective, its provision shall prevail over and supercede all provisions of the municipal code, ordinances, resolutions, and administrative policies of the City of Yorba Linda which are in conflict with any provisions of this measure.

Section 9. SEVERABILITY.

9.1. In the event a final judgment of a court of proper jurisdiction determines that a provision of this initiative measure, or a particular application of a provision, is invalid or unenforceable pursuant to a state or federal law or constitution, the invalid or unenforceable portion or application shall be severed from the remainder of this measure, and the remaining portions of this measure shall remain in effect without the invalid or unenforceable provision or application.

Section 10. CONFLICT WITH OTHER BALLOT MEASURES.

10.1. In the event that any other ballot measure is proposed for voter approval on the same election ballot as this initiative measure, and that other measure contains provisions which deal with the same or similar subjects, it is the intent of the voters in adopting this measure that it shall prevail over any such other ballot measure in its entirety to the extent that this measure is approved and receives a greater number of votes for approval of the other measure. In such case, no provision of the other measure shall become effective.

Section 11. AMENDMENT OR REPEAL.

11.1. Once this initiative measure becomes effective no provision of this measure may be amended or repealed except by a majority of the voters of the City of Yorba Linda voting on a ballot measure for that purpose.

**IMPARTIAL ANALYSIS BY CITY ATTORNEY  
MEASURE B**

This proposed initiative ordinance, to be known as the Yorba Linda Right-to-Vote Amendment, would amend the Yorba Linda General Plan and Zoning Code to require the voter approval, by a majority vote of the electorate, for a Major Amendment to a Planning Policy Document. The phrase "Planning Policy Document" is defined to mean the Land Use Element of the Yorba Linda General Plan, the Land Use Policy Map, the Yorba Linda Zoning Code, the Zoning Map, any specific plan, or any development agreement. The term "Major Amendment" is defined as any amendment that:

- increases the number of permitted dwelling units on a residential lot
- increases the number of separate parcels that may be created from an existing parcel
- changes residential land use to another land use
- changes non-residential land use to permit residential land use greater than 10 dwelling units per acre or to permit a mix of commercial and residential uses
- increases the allowed maximum height of development
- provides for private development of land owned by a government entity within 5 years of the date of approval of such development
- repeals any Planning Policy Document

The initiative imposes a citywide height limit of 35 feet for all buildings and structures, except for church steeples, public schools, and other structures exempt by state or federal law.

The initiative requires Major Amendments to Planning Policy Documents to be adopted by ordinance after a public hearing before the Planning Commission and the City Council. The initiative imposes more stringent noticing requirements than otherwise required by state law. Public hearing notices would be required to be sent 20 days prior to the public hearing to the record owner and the occupant of each parcel of land that is located within 300 feet from the boundaries of the parcel of land that is the subject of the Major Amendment. State law mandates that the notice be sent 10 days prior to the public hearing and does not require that occupants be provided such notice.

If the initiative is approved, the cost for applicants to process a Major Amendment to a Planning Policy Document will most likely increase due to the amplified noticing requirements and the expense of conducting an election.

THE ABOVE STATEMENT IS AN IMPARTIAL ANALYSIS OF MEASURE NO. B. IF YOU DESIRE A COPY OF THE MEASURE, PLEASE CALL THE CITY CLERK'S OFFICE AT (714) 961-7150 AND A COPY WILL BE MAILED AT NO COST TO YOU.

City Attorney, Best Best & Krieger LLP

## ARGUMENT IN FAVOR OF MEASURE B

### **“The Right to Vote” is Good for Yorba Linda**

#### **Vote YES on “The Right to Vote”**

A YES vote guarantees Yorba Linda residents a voice in major land-use decisions affecting the quality of life in our city.

A YES vote will preserve and affirm our “low density” community while accommodating responsible growth and development that is consistent with the character and nature of Yorba Linda.

A YES vote will prevent **politicians, bureaucrats and developers** from over-developing our city.

A YES vote will keep Yorba Linda gracious.

Yorba Linda has been voted the 21st BEST community in America and one of the safest in Orange County. Let’s keep it that way.

#### **The Right to Vote is Good for All of Us.**

#### **Vote YES on “The Right to Vote”**

s/ Jeffrey L. Winter

s/ James E. Horton

Yorba Linda Residents & Sponsors of Yorba Linda Right to Vote

## REBUTTAL TO ARGUMENT IN FAVOR OF MEASURE B

The argument in favor of Measure B is wrong. Measure B is bad for Yorba Linda, it does not guarantee a voice for the citizens in land use decisions, and it will not keep Yorba Linda gracious.

Specifically;

- Measure B does not preserve and affirm our “low density” community. Instead it allows a total of 1.4 million square feet of commercial and 710 dwellings in our 130 acre Town Center. If the proposed initiative passes, this density will not be reduced!
- Measure B restricts personal property rights. For example, the wholesale nursery on Prospect is closing; neighbors want homes. Measure B would require voter approval for the zone change. The zone change process, 2 years and \$100,000, will not be pursued by the property owner; leaving the site blighted, or worse, developed commercially against the wishes of the neighbors.
- Measure B will promote bad planning and ungracious living. Our Planning Commissions and City Councils prevented developers from over-developing Yorba Linda. In response to the referendum drive, Council listened to the community, repealed the Town Center zoning ordinance and showed a commitment to further reduce density.
- Measure B was written to stop the Town Center plan; the plan has already been rejected. This measure is unnecessary.

Measure B is not the right answer.

Measure B erodes private property rights.

Please vote NO on Measure B.

s/ Manuel E. Ortega  
Chief of Police (Retired)

s/ Kelli Sprinkel  
West Y.L. resident & Y.L. Business Owner

s/ Dale P. Madsen  
Resident & Main Street Business Owner

s/ Cindi Williams  
West Y.L. Resident & Y.L. Business Owner

s/ Randy Youngblood  
Resident & Business Owner

## ARGUMENT AGAINST MEASURE B

Measure B directly attacks your constitutional rights as an American. If passed, the initiative restricts private property rights and subjects your freedom to a political campaign process.

**Yorba Linda is a wonderful place to live because of our planning process.** Our form of local representative government established in the constitution has served our city well. The decision-making process involves hours of study of our General Plan, Environmental Impact Reports and staff reports. Planning Commission and City Council take public testimony, evaluate issues and make informed decisions. Measure B abandons this process in favor of subjecting your individual rights to a city-wide vote.

Today, plan approval takes 6 months. Measure B requiring voter approval, increases that time to 2 years and will cost a property owner over \$100,000. **Scarce tax dollars will be wasted on these costly elections to “fix” something that isn’t “broken.”** Measure B will increase your cost of living, discourage investment in our community, contribute to reduced services, degrade our high quality of life, and increase government spending. Measure B threatens the financial security of the city by jeopardizing long term obligations and creating a hotbed for lawsuits.

**Repeatedly, the Orange County Register has opposed Measure B.** They rightly see it as a threat to property rights. Measure B was crafted by a downtown group to halt the Old Town Project. That project was successfully stopped. However, Measure B is still on the ballot and will now stop everything in downtown and throughout our city.

Individual destiny should lie in the hands of the individual. Help keep your property values high, our city safe and our cherished quality of life preserved. **Vote “NO” and protect your property rights.**

s/ Manuel E. Ortega  
Chief of Police (Retired)

s/ Carl W. Boznanski  
Yorba Linda Planning Commissioner

s/ Dale P. Madsen  
Resident, Main Street Business Owner

## REBUTTAL TO ARGUMENT AGAINST MEASURE B

The opponents of Measure B are not telling it like it is. Politicians, bureaucrats and developers are concerned, because Measure B takes special interests out of land-use approval. Measure B puts “major” land-use decisions in your hands.

Vote YES on Measure B

Here are the facts.

**MEASURE B PROTECTS YOUR PROPERTY RIGHTS.**

- Protects our community against overdevelopment.
- Protects your investment in your property, our community and your quality of life.

**MEASURE B WILL SAVE TAXPAYER DOLLARS.**

- Responsible growth and development = less strain on City infrastructure and lowered overall costs to taxpayers.
- Costs of elections are minimal when compared to infrastructure costs from increased development.
- Costs of elections can be deferred to the developers.

**MEASURE B CREATES ACCOUNTABILITY.**

- Public involvement in the decision-making process will increase. An informed public will make their own informed decisions on Election Day.
- Developers will increase the quality of their projects and their plans in order to gain public approval.
- Decision-makers will scrutinize projects more thoroughly.

**MEASURE B SUPPORTS IMPROVEMENTS IN TOWN CENTER.**

- Allows for responsible growth and development in the downtown.
- Does NOT restrict commercial zoning.

Developers and special interests have contributed significantly to the campaigns of our elected officials. These contributions might impact major land-use decisions at City Hall. Measure B puts the final decision on “major” land uses in your hands.

Keep special interests out of “major” land use decisions.

Vote YES on Measure B

s/ Lizbeth G. De Sanctis

s/ Michael J. De Sanctis

s/ James E. Horton

s/ Jeffrey L. Winter